

PATENT
Customer No. 22,852
Attorney Docket No. 05725.1445-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Valérie DE LA POTERIE et al.) Group Art Unit: 1618
Application No.: 10/529,267) Examiner: E. E. Silverman
Filed: September 29, 2005) Confirmation No.: 4347
For: COMPOSITION FOR COATING)
KERATIN FIBRES, COMPRISING)
A HIGH DRY EXTRACT THAT)
CONTAINS A SEQUENCED)
POLYMER) **VIA EFS WEB**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the listed documents on the attached PTO SB/08 Form. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents, patent application publications, co-pending applications and respective office actions are not enclosed as they are available on the Imaged File Wrapper of PAIR. The non-patent literature document, Aldrich was cited by the

Examiner in co-pending U.S. Patent Application No. 10/573,579, and accordingly, no copy is attached.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. *See also* M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents:

1. **DE 100 22 247**: This document is believed to be related to U.S. Publication No. 2003/0113285, cited on the attached IDS Form PTO/SB/08.
2. **EP 0 080 976**: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.
3. **EP 0 549 494**: This document is believed to be related to U.S. Patent Nos. 5,756,635 and 6,258,916, cited on the attached IDS Form PTO/SB/08.

4. **EP 0 550 745**: The European Patent Office's website indicates that WO 93/001797, cited on the attached IDS Form PTO/SB/08 and submitted herewith, takes the place of EP 0 550 745, cited on the attached IDS Form PTO/SB/08. EP 0 550 745 and WO 93/001797 are believed to be related to U.S. Patent No. 5,519,063, cited on the attached IDS Form PTO/SB/08.

5. **EP 0 648 485**: This document is believed to be related to U.S. Patent No. 5,538,717, cited on the attached IDS Form PTO/SB/08.

6. **EP 0 667 146**: This document is believed to be related to U.S. Patent Nos. 6,120,781 and 6,132,742, cited on the attached IDS Form PTO/SB/08.

7. **EP 0 750 031**: This document is believed to be related to U.S. Patent No. 6,881,780, cited on the attached IDS Form PTO/SB/08.

8. **EP 0 861 859**: This document is believed to be related to U.S. Patent No. 6,140,431, cited on the attached IDS Form PTO/SB/08.

9. **EP 0 951 897**: This document is believed to be related to U.S. Patent No. 6,180,123, cited on the attached IDS Form PTO/SB/08.

10. **EP 0 955 039**: This document is believed to be related to U.S. Patent No. 6,491,927, cited on the attached form PTO/SB/08.

11. **EP 1 024 184**: This document is believed to be related to U.S. Patent No. 6,399,691, cited on the attached IDS Form PTO/SB/08.

12. **EP 1 043 345**: This document is believed to be related to U.S. Patent No. 6,692,733 B1 cited on the attached IDS Form PTO/SB/08.

13. **EP 1 066 817**: This document is believed to be related to U.S. Patent No. 6,342,237, cited on the attached IDS Form PTO/SB/08.

14. **EP 1 068 856**: This document is believed to be related to U.S. Patent No. 6,960,339, cited on the attached IDS Form PTO/SB/08.

15. **EP 1 159 950**: An English Language Derwent Abstract of this documents is submitted herewith.

16. **EP 1 192 930**: This document is believed to be related to U.S. Publication No. 2002/0061319, cited on the attached IDS Form PTO/SB/08.

17. **EP 1 201 221**: This document is believed to be related to U.S. Publication No. 2002/0098217, cited on the attached IDS Form PTO/SB/08.

18. **EP 1 279 398**: This document is believed to be related to U.S. Publication No. 2003/0059392 A1 cited on IDS Form PTO/SB/08.

19. **EP 1 356 799**: This document is believed to be related to U.S. Publication Nos. 2003/0003154 and 2005/0201958, and U.S. Patent Nos. 6,946,518 and 7,358,303, cited on the attached IDS Form PTO/SB/08.

20. **EP 1 366 741**: This document is believed to be related to U.S. Publication No. 2004/0039101 A1 cited on the attached IDS Form PTO/SB/08.

21. **EP 1 366 744**: This document is believed to be related to U.S. Publication No. 2004/0009136 A1 cited on the attached IDS Form PTO/SB/08.

22. **EP 1 411 069**: This document is believed to be related to U.S Publication No. 2004/0120920 A1, cited in the attached IDS Form PTO/SB/08.

23. **EP 1 421 928**: This document is believed to be related to U.S. Publication No. 2004/0120906 A1, 2006/0134044, 2006/0099164, 2006/0134051, 2006/0093568, 2006/0147403, 2006/0115444, 2006/0147402, 2006/0134032, and 2006/0127334, cited on the attached IDS Form PTO/SB/08.

24. **FR 2 077 143**: This document is believed to be related to U.S. Patent No. 3,910,862, cited on the attached IDS Form PTO/SB/08.
25. **FR 2 079 785**: This document is believed to be related to U.S. Patent No. 3,637,160, cited on the attached IDS Form PTO/SB/08.
26. **FR 2 140 977**: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.
27. **FR 2 296 402**: This document is believed to be related to U.S. Patent No. 4,030,512, cited on the attached IDS Form PTO/SB/08.
28. **FR 2 393 573**: This document is believed to be related to U.S. Patent Nos. 4,165,367 and 4,223,009, cited on the attached IDS Form PTO/SB/08.
29. **FR 2 710 552**: This document is believed to be related to U.S. Patent No. 5,681,877, cited on the IDS Form PTO/SB/08 submitted herewith. Additionally, an English language abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.
30. **FR 2 710 646**: This document is believed to be related to U.S. Patent No. 5,711,940, cited on the attached IDS Form PTO/SB/08.
31. **FR 2 722 380**: This document is believed to be related to U.S. Patent No. 6,059,473, cited on the attached IDS Form PTO/SB/08.
32. **FR 2 727 609**: This document is believed to be related to U.S. Patent No. 5,879,095, cited on the attached IDS Form PTO/SB/08.
33. **FR 2 775 566**: An English Language Derwent Abstract of this document is submitted herewith.

34. **FR 2 775 593**: This document is believed to be related to U.S. Patent No. 6,238,679, cited on the attached IDS Form PTO/SB/08.
35. **FR 2 791 042**: This document is believed to be related to U.S. Patent No. 6,484,731, cited on the attached IDS Form PTO/SB/08.
36. **FR 2 791 987**: This document is believed to be related to U.S. Patent No. 6,552,146, cited on the attached IDS Form PTO/SB/08.
37. **FR 2 791 988**: This document is believed to be related to United States Patent No. 6,692,733, cited in the attached IDS Form PTO/SB/08.
38. **FR 2 798 061**: An English Language Derwent Abstract of this document is submitted herewith.
39. **FR 2 803 743**: An English Language Derwent Abstract of this document is submitted herewith.
40. **FR 2 806 273**: This document is believed to be related to U.S. Patent No. 6,843,611, cited on the attached IDS Form PTO/SB/08.
41. **FR 2 809 306**: This document is believed to be related to U.S. Patent No. 6,805,872, cited on the IDS Form PTO/SB/08 submitted in the Information Disclosure Statement filed May 24, 2007, in the instant application.
42. **FR 2 814 365**: This document is believed to be related to U.S. Publication No. 2002/076425, cited on the attached IDS Form PTO/SB/08.
43. **FR 2 816 503**: This document is believed to be related to U.S. Publication No. 2003/017182, cited on the attached IDS Form PTO/SB/08.
44. **FR 2 823 101**: This document is believed to be related to U.S. Publication No. 2003/0039621.

45. **FR 2 823 103:** This document is believed to be related to U.S. Publication No. 2003/017124, cited on the attached IDS Form PTO/SB/08.

46. **FR 2 827 514:** This document is believed to be related to United States Patent Application Publication No. 2003/0059392 A1, cited in the attached IDS Form PTO/SB/08.

47. **FR 2 831 430:** An English Language Derwent Abstract of this document is submitted herewith.

48. **FR 2 832 719:** An English Language Derwent Abstract of this document is submitted herewith.

49. **FR 2 832 720:** This document is believed to be related to U.S. Publication No. 2005/0020779, cited on the attached IDS Form PTO/SB/08.

50. **FR 2 834 458:** An English Language Derwent Abstract of this document is submitted herewith.

51. **FR 2 840 205:** This document is believed to be related to United States Patent Application Publication No. 2004/0039101 A1, cited in the attached IDS Form PTO/SB/08.

52. **FR 2 840 209:** This document is believed to be related to United States Patent Application Publication No. 2004/0009136 A1, cited in the attached IDS Form PTO/SB/08.

53. **FR 2 842 417:** This document is believed to be related to U.S. Publication No. 2004/0241118, cited on the attached IDS Form PTO/SB/08.

54. **FR 2 844 709:** This document is believed to be related to U.S. Publication No. 2004/0142831, cited on the attached IDS Form PTO/SB/08.

55. **FR 2 860 143**: This document is believed to be related to United States Patent Application Publication No. 2005/0106197 A1, cited on the attached IDS Form PTO/SB/08.

56. **FR 2 860 156**: This document is believed to be related to U.S. Publication No. 2007/0166259, cited on the attached IDS Form PTO/SB/08; additionally, an abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

57. **JP 07-309721**: An English language abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

58. **JP 08-119836**: An English language abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

59. **JP 09-263518**: An abstract of the disclosure of this document can be found in the English language Patent Abstract of Japan, submitted herewith, and cited on the attached IDS Form PTO/SB/08.

60. **JP 11-100307**: An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

61. **JP 11-124312**: This document is believed to be related to U.S. Patent No. 6,326,011, cited on the attached IDS Form PTO/SB/08. Additionally, an English language Derwent Abstract is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

62. **JP 2000-319325**: This document is believed to be related to U.S. Patent No. 6,552,146, cited in the Information Disclosure Statement filed on March 23, 2005.

63. **JP 2000-319326:** This document is believed to be related to United States Patent No. 6,692,733 B1, cited in the attached IDS Form PTO/SB/08.

64. **JP-2002-201244:** JP-2002-201244 was cited by the Examiner during the prosecution of co-pending Application No. 10/670,478, filing date September 26, 2003, and a computer translation was provided. Also, an English language abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.

65. **JP 2003-081742:** This document is believed to be related to European Application No. 1 440 680, cited in the attached IDS Form PTO/SB/08.

66. **JP 2003-286142:** This document is believed to be related to European Application Publication No. 1 440 680, cited in the attached IDS Form PTO/SB/08.

67. **JP 2003-73222:** This document is believed to be related to United States Patent Application Publication No. 2003/0059392 A1, cited in the attached IDS Form PTO/SB/08.

68. **JP 2004-002432:** An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is also believed to be related to U.S. Patent Application Publication No. 2004/0009136, cited in the attached IDS Form PTO/SB/08.

69. **JP 2004-002435:** An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is also believed to be related to U.S. Patent Application Publication No. 2004/0039101, cited in the attached IDS Form PTO/SB/08

70. **JP 2004-149772:** This document is believed to be related to United States Patent Application Publication No. 2004/0120920 A1, cited in the attached IDS Form PTO/SB/08.

71. **JP 2004-269497:** This document is believed to be related to United States Patent Application Publication No. 2004/0120906 A1, cited in the attached IDS Form PTO/SB/08.

72. **JP 2005/104979:** This document is believed to be related to United States Patent Application Publication No. 2005/0106197 A1, cited in the attached IDS Form PTO/SB/08.

73. **JP 2006-503921:** This document is believed to be related to United States Patent Application Publication No. 2006/0134051, cited in the attached IDS Form PTO/SB/08.

74. **JP 2006-507355:** This document is believed to be related to PCT International Application Publication No. WO 2004/024700, cited in the attached IDS Form PTO/SB/08.

75. **JP 2006-507365:** This document is believed to be related to United States Patent Application Publication No. 2006/0127334, cited in the attached IDS Form PTO/SB/08.

76. **JP 2006-507366:** This document is believed to be related to United States Patent Application Publication No. 2006/0147403 A1, cited in the attached IDS Form PTO/SB/08.

77. **JP 2006-507367:** This document is believed to be related to United States Patent Application Publication Nos. 2006/0093568, 2004/0120906, and 2006/0134044 cited on the attached IDS Form PTO/SB/08.

78. **JP 5-221829:** An abstract of the disclosure of this document can be found in the English language Patent Abstract of Japan, submitted herewith, and cited on the attached IDS Form PTO/SB/08.

79. **WO 01/03538:** An English Language Derwent Abstract of this document is submitted herewith.

80. **WO 01/13863:** An English language Abstract of this document is submitted herewith. An English-language abstract is also found on the face of the document.

81. **WO 01/51018:** An English language abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith. An English-language abstract is also found on the face of the document.

82. **WO 02/05762:** This document is believed to be related to U.S. Patent Application Publication No. 2004/0052745. An English-language abstract is also found on the face of the document.

83. **WO 02/05765:** This document is believed to be related to U.S. Publication No. 2004/0052752, cited on the attached IDS Form PTO/SB/08.

84. **WO 02/080869:** This document is believed to be related to U.S. Publication No. 2004/093676, cited on the attached IDS Form PTO/SB/08.

85. **WO 03/046032:** This document is believed to be related to U.S. Publication No. 2003/0124074, cited on the attached IDS Form PTO/SB/08.

Additionally, this document is believed to be related to U.S. Publication Nos. 2007/0003506, 2007/0003507, and 2008/0159965, cited on the attached IDS Form PTO/SB/08.

86. **WO 04/028489:** An English Language Derwent Abstract of this document is submitted herewith.

87. **WO 2004/022009:** This document is believed to be related to U.S. Publication Nos. 2004/0137020, 2004/0137021, 2006/0099231, and 2006/0134038, cited on the attached IDS Form PTO/SB/08.

88. **WO 2004/022010:** This document is believed to be related to U.S. Publication Nos. 2004/0137020, 2004/0137021, 2006/0099231, and 2006/0134038, cited on the attached IDS Form PTO/SB/08.

89. **WO 2004/028485:** An English language abstract of the disclosure of this document can be found on the front of this document, which is submitted herewith.

90. **WO 2004/028487:** An English language abstract of the disclosure of this document can be found on the front of this document, which is submitted herewith.

91. **WO 2004/028491:** An English language abstract of the disclosure of this document can be found on the front of this document, which is submitted herewith.

92. **WO 93/01797:** This document is believed to be related to U.S. Patent No. 5,519,063, cited on the attached IDS Form PTO/SB/08.

93. **WO 96/10044:** This document is believed to be related to U.S. Patent No. 6,280,713. This document is also the publication of JP H10-506404, which is not available except in the form of the PCT document. An English-language abstract is also found on the face of the document.

94. **WO 98/31329:** This document is believed to be related to U.S. Patent No. 6,126,929, cited on the attached IDS Form PTO/SB/08.

95. **European Search Report for EP 03 292 383:** This is the European Search Report for EP 03 292 383 for co-pending Application No. 10/670,388 (Attorney Docket No. 05725.1243-00).

96. **French Search Report for FR 02/11949:** This is the French Search Report for FR 02/11949 for co-pending Application No. 10/670,478 (Attorney Docket No. 05725.1242-00).

97. **French Search Report for FR 03/11340:** This is the French Search Report for FR 03/11340 from which co-pending Application No. 10/949,448 (Attorney Docket No. 05725.1374-00) claims priority.

98. **French Search Report for FR 04/50572:** This is the French Search Report for FR/50572 from which co-pending Application No. 11/086,906 (Attorney Docket No. 05725.1424-00) claims priority.

99. **International Search Report for PCT/FR03/02849:** This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/529,265 (Attorney Docket No. 05725.1418-00).

100. **International Search Report for PCT/IB2005/000230:** This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/585,817 (Attorney Docket No. 05725.1586-00).

101. **International Search Report for PCT/IB2005/000236:** This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/585,818 (Attorney Docket No. 05725.1589-00).

102. **Pigeon, R. et al., Chimie Macromoleculaire Appliquee, no. 600, 40/41**

(1074), pp. 139-158: An English-language abstract is found on the first and second pages of the document.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited document(s) do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 7, 2009

By: _____

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